

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

CHRISTIAN ALBERTO SANTOS GARCIA,
et al.,

Plaintiffs,

v.

CHAD F. WOLF, in his official capacity as
Acting Secretary, U.S. Department of
Homeland Security, *et al.*,

Defendants.

Case No. 1:20-cv-00821

ORAL ARGUMENT REQUESTED

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Christian Alberto Santos Garcia, Santos Salvador Bolanos Hernandez, Gerson Amilcar Perez Garcia, and Ismael Castillo Gutierrez respectfully but urgently request that the Court issue a preliminary injunction ordering Defendants to: (1) submit to an inspection of Farmville Detention Center conducted by the expert Plaintiffs have identified in accordance with the process described in his declaration, at Defendants' expense, of the facility's COVID-19 mitigation efforts, medical care plan, and food supply and preparation regimen; (2) create a plan, to be immediately submitted to the Court and overseen by a the expert Plaintiffs have identified, outlining (a) specific mitigation efforts, in line with Centers for Disease Control and Prevention ("CDC") guidelines to prevent, to the degree possible, contraction of COVID-19, including implementing appropriate social-distancing measures throughout the facility and providing all detainees with adequate personal protective equipment; (b) specific efforts to provide proper medical care to detainees infected with COVID-19; and (c) specific

efforts to provide proper nutrition to Plaintiffs and other detainees housed at Farmville; (3) cease all inter-facility transfers into and out of Farmville Detention Center, and not transfer Plaintiffs out of Farmville to another detention facility, until Defendants can demonstrate that such transfer will not endanger Plaintiffs' or others' health and abides by CDC guidelines; and (4) not retaliate against Plaintiffs for having brought this suit.

As explained in the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction, Plaintiffs are likely to succeed on their claims that Defendants have violated Plaintiffs' rights under the Fifth and Fourteenth Amendments to the U.S. Constitution, and that Defendants have violated the Administrative Procedure Act by failing to follow their own standards and rules for medical care, meal services, and preventing and treating COVID-19 within the facility. Plaintiffs have been and will be irreparably harmed by Defendants' conduct because they have been exposed to and contracted COVID-19, and the health risks from continued exposure are severe. The public interest and the balance of the equities favor an injunction because upholding constitutional and statutory rights serves the public interest, and the public has an interest in minimizing the spread of COVID-19 not only inside the Farmville Detention Center but also in the Farmville community.

No security or bond is necessary to issue a preliminary injunction because Defendants will not be harmed by complying with the preliminary injunction. *See* Fed. R. Civ. P. 65(c).

For these reasons and the reasons stated in the accompanying Memorandum of Law, Plaintiffs respectfully request that this Court grant the motion for preliminary injunction.

DATED: July 23, 2020

Respectfully submitted,

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Naima L. Farrell (*pro hac vice forthcoming*)
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, along with all attachments thereto, to this Court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all counsel of record.

Also on this date, I mailed (certified U.S. mail, return receipt requested) the foregoing, along with all attachments thereto, to the following Defendants:

Chad Wolf
Matthew Albence
Russell Hott
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
Office of the General Counsel
2702 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

Jeffrey Crawford, Superintendent, Farmville Detention Center
Immigration Centers of America, LLC
508 Waterworks Road
Farmville, VA 23901

Immigration Centers of America, LLC
SERVE: Russell B. Harper, R/A
7113 Three Chopt Road, Suite 210
Richmond, VA 23226

Armor Correctional Health Services, Inc.
SERVE: CT Corporation System, R/A
4701 Cox Rd Ste 285
Glen Allen, VA 23060-6808

Also on this date, I mailed (U.S. mail, postage paid) and e-mailed the foregoing, along with all attachments thereto, to the following counsel, whom I believe to be counsel for the Defendants:

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DATED: July 23, 2020

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